

ASSEMBLY BILL

No. 1392

Introduced by Assembly Member Bermudez

February 21, 2003

An act to amend Section 4999.3 of the Business and Professions Code, relating to medical services.

LEGISLATIVE COUNSEL'S DIGEST

AB 1392, as introduced, Bermudez. Telephone medical advice services.

Existing law provides for the registration of telephone medical advice services with the Telephone Medical Advice Services Bureau. Existing law prohibits a business entity from providing telephone medical advice services to a patient at a California address, unless the business is registered. Existing law authorizes the Department of Consumer Affairs to suspend, revoke, or otherwise discipline a registrant or deny an application for registration as a telephone medical advice service based on certain factors.

This bill would also authorize the department to suspend, revoke, or discipline a registrant or deny an application for registration if the registrant provides financial incentives to employees for limiting patient access to health care.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 4999.3 of the Business and Professions
- 2 Code is amended to read:

1 4999.3. (a) The department may suspend, revoke, or
2 otherwise discipline a registrant or deny an application for
3 registration as an in-state or out-of-state telephone medical advice
4 service based on any of the following:

5 (1) Incompetence, gross negligence, or repeated similar
6 negligent acts performed by the registrant or ~~any~~ *an* employee of
7 the registrant.

8 (2) An act of dishonesty or fraud by the registrant or ~~any~~ *an*
9 employee of the registrant.

10 (3) The commission of ~~any~~ *an* act, or being convicted of a
11 crime, that constitutes grounds for denial or revocation of
12 licensure pursuant to ~~any~~ *a* provision of this division.

13 (4) *Providing financial incentives to employees for limiting*
14 *patient access to health care.*

15 (b) The proceedings shall be conducted in accordance with
16 Chapter 5 (commencing with Section 11500) of Part 1 of Division
17 3 of Title 2 of the Government Code, and the department shall have
18 all powers granted therein.

19 (c) Copies of any complaint against an in-state or out-of-state
20 telephone medical advice service shall be forwarded to the
21 Department of Managed *Health* Care.

22 (d) The department shall forward a copy of any complaint
23 submitted to the department pursuant to this chapter to the entity
24 that issued the license to the licensee involved in the advice
25 provided to the patient.

